

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort afforded this application by the Examiner. Claims 1-29 are pending in this application. Claims 1-29 stand rejected in the outstanding Office Action. Applicants respectfully request reconsideration and withdrawal of the rejections.

It should be noted that Applicants have amended certain claims in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution of the instant application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

**Rejections under 35 U.S.C. § 102(b)**

Claims 1-13, 15-27 and 29 stand rejected under 35 USC 102(b) as being anticipated by Haritsa et al. (US Patent Pub. No. 2002/004030) (hereinafter "Haritsa"). Applicants respectfully request reconsideration and withdrawal of these rejections.

As best understood, Haritsa teaches a method for improved call handling based upon a caller's demographic information. *Haritsa*, Abstract. Information related to the caller's unique demographic profile is used to decide how to respond to the caller for

improved business performance. *Id.* Haritsa teaches that this method can be used, *inter alia*, to improve security. *Id.* at [0016]. However, Haritsa teaches that a caller's speech is recorded, a caller's entire input speech signal is scored against HMMs, one or more non-conflicting models are chosen, and the caller is directed to a destination based in part on the chosen models. *Id.* at Fig. 2 and accompanying text.

The teachings of Haritsa thus stand in stark contrast to the instantly claimed invention. Nowhere does Haritsa teach or imply that the system, rather than gathering all information needed at one time from a user and comparing that information to multiple models, should provide for "narrowing down the possible class of user identities, in a refined fashion, as the user speaks, walks, types or performs some other function." *Specification*, pp. 2, lines 15-16. According to at least one embodiment of the instant invention, "the system gradually determines confidently that the user belongs to additional groups, until it potentially determines confidently who the user is. The process can be likened to an application of successive sieves that filter speaker characteristics with increasing precision." *Id.* at pp. 4, lines 8-12. Thus, Haritsa at the very least fails to teach a "profiling system that is able to provide information about the user in an *incrementally* refined manner." *Id.* at pp. 3, lines 5-6. Certainly the cited portions of Haritsa (paragraph 11, line 4-19; paragraph 13, lines 10-18) do not teach a repeated refining, dependent on the amount of data input over time, as defined by the specification and claimed.

Nonetheless, solely in order to facilitate expeditious prosecution of the instant application, the independent claims have been amended to recite, *inter alia*, "accepting

input from an individual; attributing at least one user group to the individual; and repeating *attributing step* until the identity of the individual is assessed *incrementally based upon said accepted input.*” Claim 1 (emphasis added). The remaining independent claims contain similar language. These amendments are intended to clarify that it is this repeated, narrowing-down that allows the instantly claimed invention to refine the identification procedure quickly and with increasing accuracy, giving incremental information based upon available dynamic biometric data inputs. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 USC 102(b).

**Rejections under 35 U.S.C. § 103(a)**

Claims 14 and 28 stand rejected under 35 USC 103(a) as being unpatentable over Haritsa in view of Teunen (US Patent Pub. No. 2005/0132235) (hereinafter “Teunen”). Applicants respectfully request reconsideration and withdrawal of these rejections.

As best understood, Teunen teaches a method of improving the accuracy of speaker authentication by combining the results of multiple verification sources using statistical modeling. *Teunen*, Abstract. Teunen teaches combining verification sources to produce a more accurate authentication; that is, a knowledge model (e.g. an automatic number identification) and a voice model may both be utilized. *Id* at [0017].

Teunen thus stands in stark contrast to the instantly claimed invention for at least the reason that the instantly claimed invention, rather than taking multiple verification sources in combination, utilizes a system that gradually determines confidently that the

user belongs to additional groups, until it potentially determines confidently who the user is. *Specification*, pp. 4, lines 8-12. Furthermore, nothing in Teunen, nor the art of record, accounts for the deficiencies of Haritsa recounted above. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 USC 103.

Applicants also note that dependent claims 15 and 24 have been amended to recite, *inter alia*, “wherein when an authentication session ends prior to a confident authentication because there is not enough input to make a confident decision, the partial confident information obtained is utilized.” Claim 15. This amendment is intended to clarify the gradual nature of the assessment/authentication process, wherein if enough biometric data is not supplied to make a complete authentication, the partial grouping information may still be utilized, e.g. for low security transactions. See *Specification*, pp. 2, line 13-pp. 3, line 9; pp. 9, lines 8-13.

Applicants also wish to point out that dependent claims 3 and 17, in their original form, require “performing a *gradual determination of the identity* of the individual via issuing a stream of cues over time, each of said cues being indicative of one or more groups to which the individual belongs”. There is nothing in any of the applied references which teaches such a gradual determination.

Therefore Applicants respectfully submit that these claims are allowable for at least this reason in addition to being dependent from what are believed to be allowable independent claims.

**Conclusion**

Applicants respectfully submit that the independent claims, as amended, incorporate language sufficient to place the application in condition for allowance. These amendments have been submitted in an effort to more clearly point out the distinguishing features of the claimed invention and facilitate expeditious prosecution of the instant application.

The “prior art made of record” has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

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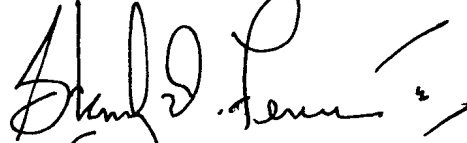
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In summary, it is respectfully submitted that the instant application, including Claims 1-29, is presently in condition for allowance. Notice to that effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

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